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indictment for violation of the Mapp Law (new case)" the "Map Law" being the common designation of the state prohibition statute, was sufficient to establish former conviction.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 341.]

3. Criminal Law (§ 1211*)—Conviction of any Provision of Prohibition Act Held to Support Imposition of Penalty for Second Offense.—Under Prohibition Law, § 5, conviction of a prior violation of any provision of the act before the second offense is sufficient to support the imposition of the penalty as for a second offense.

[Ed. Note.—For other cases, see. 8 Va.-W. Va. Enc. Dig. 341.]

Error to Circuit Court, Lee County.

Richard Cooper was convicted of violating the prohibition law, and he brings error. Affirmed.

Pennington & Pennington, of Pennington Gap, for plaintiff in error.

John R. Saunders, Atty. Gen., and *J. D. Hank, Jr., Asst. Atty. Gen.*, for the Commonwealth.

MEANLEY *v.* PETERSBURG, H. & C. P. RY. CO.

June 15, 1922.

[112 S. E. 800.]

1. Carriers (§ 337*)—Person at Electric Railroad Station to Meet Incoming Passenger Held Guilty of Contributory Negligence When Struck by Gate of Passing Car.—Where it appeared that plaintiff suing for personal injuries was standing on a platform of an electric railway station not intended for the use or accommodation of the public, which was warned against its use at this place by signs, and that when about to take a child through a rear window from a woman there with him to meet an incoming passenger, he was struck by the rear door of one of defendant's passing cars, proceeding around the station very close to the wall, held that he was guilty of contributory negligence, though he testified no alarm signals were given, and he did not know the car was passing until he was struck.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 704.]

2. Carriers (§ 340*)—Person, Injured at Station Where He Went to Meet an Incoming Passenger, Held Entitled to Recover Where Carrier Could by Ordinary Care Have Avoided the Accident.—Where an injured person went to electric railway station to meet an incoming passenger, he was an invitee, and not a mere trespasser, and his negligence in going to an unsafe place a short distance from a safe place where he had a right to be did not relieve the carrier from every obligation except not to injure him willfully, and if it appeared that un-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

der the circumstances it could by exercising ordinary care on the part of its motorman have avoided the accident, the plaintiff could recover.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 700.]

3. Carriers (§ 347 (1*))—Whether Ordinary Care Would Have Averted Injury to Person at Station to Meet Incoming Passenger Notwithstanding Contributory Negligence Held for the Jury.—In a suit for injury to a person who went to an electric railway station to meet an incoming passenger, evidence held to present an issue of fact for the jury as to whether a motorman by the exercise of ordinary care could have averted the injury, notwithstanding his contributory negligence in placing himself in a position of danger from passing cars.

[Ed. Not.—For other cases, see 2 Va.-W. Va. Enc. Dig. 725.]

4. Negligence (§ 121 (1*))—Burden on Negligent Plaintiff to Show Defendant Could Have Avoided Accident.—The burden is on a negligent plaintiff suing for personal injuries to show by a preponderance of the evidence that there was a clear opportunity for defendant to save him from his own negligence.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 725.]

Error to Circuit Court, Prince George County.

Action by W. T. Meanley against Petersburg, Hopewell & City Point Railway Company. From a judgment for defendant, plaintiff brings error. Reversed.

R. E. Byrd, of Richmond, *W. L. Devany*, of Norfolk, and *Fulton & Wicker*, of Richmond, for plaintiff in error.

Zimmer & Syme, of Petersburg, for defendant in error.

HAYNES CHEMICAL CORPORATION *v.* STAPLES &
STAPLES, Inc.

June 15, 1922.

[112 S. E. 802-803.]

1. Work and Labor (§ 4 (2*))—Services Rendered at Another's Request Imply Promise to Pay.—Where one renders services for another at the latter's request the law, in the absence of express agreement, implies a promise to pay what those services are reasonably worth, unless it can be reasonably inferred that the services were to be without compensation.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 303.]

2. Work and Labor (§ 4 (2*))—Promise to Pay Reasonable Amount Implied for Preparing Advertising Plan at Defendant's Request.—An agency prepared an advertising plan under the assurance of a representative of a company that his people would give the plan consid-

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